

SESSION OF 2005

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 74**

As Amended by House Committee on  
Higher Education

**Brief\***

SB 74 would allow, but not require, the state universities to convert any or all classified employee positions to unclassified positions. Universities authorized by the Board of Regents to change the status of classified employees would be required to develop personnel administration systems and policies and procedures with the input of affected employees. Any such plans for personnel administration and personnel policies and procedures would have to be approved by the Board of Regents.

Employees whose positions become unclassified pursuant to the bill would keep all health, leave, and retirement benefits, and would retain collective bargaining rights. In addition, the new personnel system would have to contain provisions for a disciplinary and grievance process with rights of appeal and due process procedures. Finally, before positions could be unclassified, the university would be required to hold a vote of the affected classified employees and a majority of those employees voting must vote in favor of the proposal. Any vote of affected employees held after July 1, 2005 would have to be announced 90 days prior to the election.

**Background**

The bill was introduced by the Senate Committee on Ways and Means and, as introduced, was similar, but not identical, to a bill introduced in the House by the Legislative Educational Planning Committee (HB 2020). Representatives of the Board of Regents, the University of Kansas, and the Classified Senate of the University of

---

\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Kansas testified to the Senate Committee in favor of the bill. A representative of the Kansas Association of Public Employees testified in opposition to the bill.

The amendments by the Senate Committee would require a vote of the affected employees and would allow a portion of the classified employees to be converted rather than all of the classified employees. In addition, the amendments would align the bill with the Kansas Supreme Court's *Darling v. Kansas Water Office* decision.

The Senate Committee of the Whole amended the bill to provide for a disciplinary and grievance process and the retention of collective bargaining rights.

The House Committee on Higher Education had held a hearing on HB 2020 prior to receiving this bill. During the House Committee's consideration of SB 74, information was provided by representatives of the State Board of Regents, the University of Kansas, classified employees at the University of Kansas, and the Kansas Association of Public Employees.

The House Committee on Higher Education amended the bill to require employee input to the development of the personnel administration system and personnel policies and procedures. The House Committee amendment also would require an official announcement 90 days prior to an employee vote on the question of changing from classified to unclassified status.

The fiscal note of the Division of the Budget on the bill as introduced states that there would only be a fiscal impact if a university chose to increase salaries above any legislative approved amount.